IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

CRP.No. 893 of 2007()

(AGAINST THE ORDER IN E.P.NO.496/06 IN O.S.284/2004 DTD. 25/09/2007 OF THE PRINCIPAL MUNSIFF, ERNAKULAM)

REVN. PETITIONER:

DR.T.S.ANANDARAMAN,
S/O.SANKARAN VYDIAN,
SIDHAVYDIASRAM, RAMANDA MEMORIAL,
NEAR NORTH OVERBRIDGE,
ERNAKULAM.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENT:

MRS.LISSY JOHN,
PARAMBATH HOUSE, VAZHAPPALLY VILLAGE,
CHANGANASSERY.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

ORDER ON I.A.NO.2504/2007 IN C.R.P.NO.893/2007

DISMISSED

10/10/2007 **SD/- M.N.KRISHNAN, JUDGE**

/TRUE COPY/

P.A.TO JUDGE

KSS

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

C.R.P. NO. 893 OF 2007

= = = = = = = = = = = = = = =

Dated this the 10th day of October, 2007.

O R D E R

This revision petition is preferred against the order of the Principal Munsiff, Ernakulam in E.P.496/06 in O.S.284/04. The revision petitioner herein is a Doctor by profession who is running an Ayurvedic clinic and at one point of time the Court granted him time to pay the amount at the rate of Rs.5,000/- per month. But, he did not pay the amount as proposed and therefore the petition had been revived and thereafter the Court found that he is running a business and getting about Rs.1500/- to Rs.2000/- per day as income. It is also brought out and recorded in the order that though it is a partnership firm others are all well placed and sole beneficiary is the revision petitioner himself. It is a well considered order by the Court below which does not call for any interference and therefore I confirm the order of the Munsiff regarding the means.

2. Now, the point to be considered is whether a breathing time can be given to him or whether he is to be immediately arrested. I feel no purpose will be served by sending him to prison and for having waited so long what the decree holder is aspiring is only to get the decree amount. Hence, I feel that some time can be given to the revision petitioner to pay off the amount. Therefore, the C.R.P. is disposed of as follows.

(1) The finding of means by the Court below is confirmed.

(2) The revision petitioner is directed to make a payment of Rs.20,000/- on or before 12.11.07 and pay the balance amount in four monthly equal instalments commencing from 12.12.07. If the revision petitioner fails to pay the amount as ordered above or commits default of payment of any of the instalments, the benefit given to him

will be cancelled and the decree holder can request the Court to execute the warrant for detention of the judgment debtor in civil prison. In order to enable the revision petitioner to make the payment, the Court below shall defer the execution of the warrant of arrest for the time mentioned above.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-